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Youth court statistics 2008/2009

by Shelly Milligan

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. not available for any reference period
.. not available for a specific reference period
... not applicable
0 true zero or a value rounded to zero
0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published

Youth court statistics, 2008/2009: Highlights

- In 2008/2009, youth courts in Canada processed 58,379 cases, involving 191,054 charges. Although similar to the overall caseload from the year before, the number of cases was 23% lower than that in 2002/2003, the year prior to the enactment of the *Youth Criminal Justice Act* (*YCJA*). The largest decreases occurred within the first two years of the *YCJA*. Since 2004/2005, the youth court caseload has remained relatively stable.

- Youth court cases are taking longer to process. In 2008/2009, the median elapsed time from first to last court appearance was 119 days, over a month longer than the median elapsed time of 81 days in 2002/2003.

- Cases with a finding or plea of guilt accounted for 59% of cases disposed of in youth courts in 2008/2009. The proportion of guilty findings varied by offence, with the highest being 90% for cases where the youth was accused of being unlawfully at large.

- Fewer youth court cases received a custodial sentence in 2008/2009 with 5,307 or approximately 15% of all guilty cases resulting in a sentence of custody compared to 13,237 or 27% of all guilty cases in 2002/2003.

- In 2008/2009, nearly half of the cases with custody and supervision had terms of 1 month or less (48%).[1]

- Probation continues to be the most frequently ordered sentence for youth, with 20,747 or 60% of guilty youth cases receiving this sentence in 2008/2009. However, this proportion is 10 percentage points lower than in 2002/2003, the year prior to the enactment of the *YCJA*.

Note

1. In this report, the sentence length referred to represents both the custodial and supervision portions of the custody and supervision order.

Youth court statistics, 2008/2009

In 1998, the Department of Justice Canada introduced a "Strategy for Youth Justice" which approaches youth justice with a more inclusive framework, focusing on public awareness, crime prevention, education, child welfare, health, family and the community (Department of Justice Canada, 2003 and 2005). Part of this new strategy was the *Youth Criminal Justice Act* (*YCJA*) which was implemented on April 1, 2003 and replaced the previous legislation of the *Young Offenders Act* (*YOA*).

The *YCJA* concentrates on integrating all areas of young peoples' lives including their mental health, education and welfare, while placing emphasis on rehabilitation and reintegration as well as the long-term protection of the public (Tustin and Lutes, 2006).

Some of the chief objectives of the *YCJA* are as follows: clear and coherent principles to improve decision-making in the youth justice system; more appropriate use of the courts, fairness in sentencing, and reduced use of custody so that the most serious interventions are reserved for the most serious crimes; clear distinctions between serious violent offences and less serious offences; and effective reintegration of youth into the community (Department of Justice Canada, 2003 and 2005).

One of the main features of the *YCJA* is the diversion of youth who have committed non-violent and minor crimes away from the formal court system by encouraging the use of extrajudicial measures. These measures are meant to provide timely and meaningful consequences and allow the community to participate in developing community-based responses to youth crime (Department of Justice, 2005; Taylor-Butts and Bressan, 2008).

The analysis in this article is based on data collected from the Integrated Criminal Court Survey (ICCS) and the Youth Court Survey (YCS). Data on federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for the administration of youth courts.

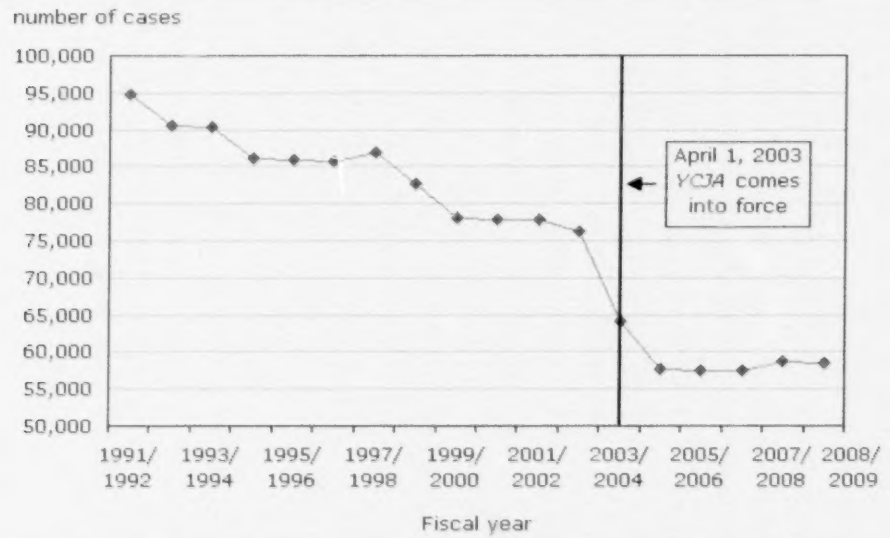
This article explores cases completed in youth courts, their characteristics, along with case processing and outcomes. Sentencing in youth court, for example, the proportion of cases sentenced to custody, the duration of custodial sentences, and the use of both the new *YCJA* sentences and probation are explored. The focus of this article is placed on the most recent year of data, 2008/2009, and some jurisdictional and trend analyses have been presented.

Cases completed in youth court

Youth court caseload has stabilized

Youth courts in Canada processed 58,379 cases involving 191,054 charges in 2008/2009. This represents a slight decrease (-0.6%) from the overall caseload in 2007/2008 but is 23% lower than in 2002/2003, the year prior to the enactment of the *Youth Criminal Justice Act* (*YCJA*). The largest decline came in the first year of the new legislation, when youth courts disposed of 16% fewer cases. Since 2004/2005, the number of cases completed has remained relatively stable (Table 1, Chart 1).

Chart 1
Youth court caseload has stabilized



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

For several years prior to the introduction of the *YCJA*, (between 1991/1992[1] and 2002/2003), the number of youth court cases processed each year had already been on the decline. This was fuelled primarily by the steady decline in the number of crimes against property cases[2] (such as theft, break and enter and mischief). This drop in these cases continued following the enactment of the *YCJA* (-32% from 2002/2003 to 2008/2009). All other categories of offences dropped significantly as well.

Following an upward trend during the 1990s, crimes against the person cases dropped 9% in the first year of the *YCJA* and 9% in the following year. In 2008/2009 there were 11% fewer crimes against the person compared with 2002/2003, the year prior to the enactment of the new legislation. Despite this decrease, crimes against the person cases are currently 10% higher than their low of 14,080 cases in 1991/1992.

Cases involving offences against other federal statutes,[3] such as drug and *YCJA/YOA* offences, declined over the first three years under the *YCJA*. More recently, youth courts have started hearing more of these types of cases, experiencing overall annual increases of 5% in 2007/2008 and 4% in 2008/2009. Nevertheless, the number of these cases remains 30% lower than in 2002/2003 (Table 1).

Drop in youth court caseload seen across the country

Since the introduction of the *YCJA*, the drop in the youth court caseload at the national level has been seen across the country. Among the provinces and territories, there were seven jurisdictions where the caseload in 2008/2009 was at least 20% lower than in 2002/2003. Newfoundland and Labrador led the way with a drop of (-48%), followed by the Northwest Territories (-39%), British Columbia (-37%), Prince Edward Island (-31%), Ontario (-30%), Yukon (-26%) and New Brunswick (-22%). The remaining jurisdictions all experienced smaller declines (Table 2).

Although the youth court caseload in every province and territory was much lower than it was in the last year of the *YOA*, several provinces experienced an increase in their caseload from 2007/2008 to 2008/2009. Alberta youth courts completed 4% more cases, while Quebec, Manitoba, and Nunavut experienced increases of about 3%.

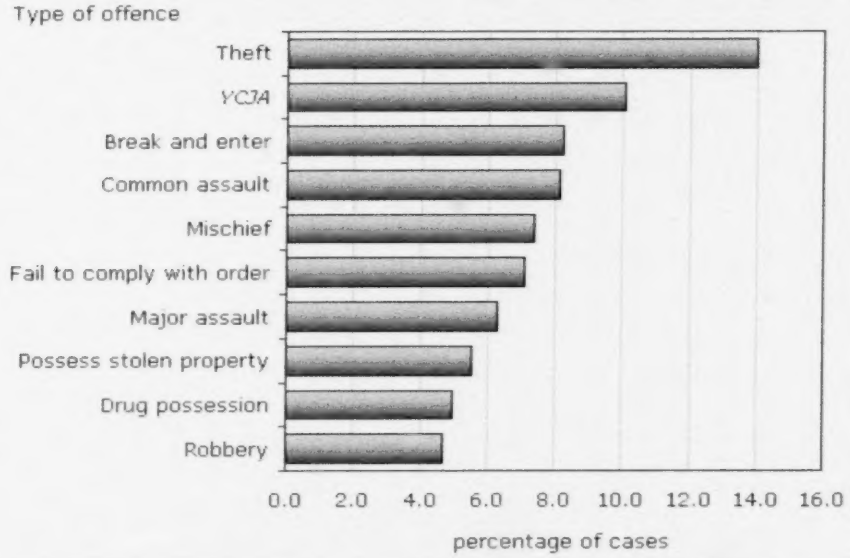
Differences across the country in the reporting of criminal incidents to police, in procedures and eligibility requirements for police diversion and extrajudicial measures programs, and differences in provincial policy directing Crown discretion influence the volume and characteristics of the cases completed in youth courts. Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. Processes such as these serve to keep less serious cases out of the court system and reduce court workload. These factors should be considered when making inter-jurisdictional comparisons.

Ten offences accounted for over three-quarters of the total youth court caseload.

In 2008/2009, the types of cases processed in youth courts most often involved crimes against property (38%) and crimes against the person (26%). Cases involving offences against the administration of justice (11%), other *Criminal Code* offences (5%), and *Criminal Code* traffic offences (2%) were less frequent. Other federal statute offences, such as drug-related and *YCJA* offences, accounted for 18% (Table 3).

As in past years, a small number of offences accounted for a large proportion of the youth court caseload in 2008/2009. Together, 10 offences represented over three-quarters (76%) of the total youth court caseload (Chart 2).

Chart 2
Ten offences accounted for over three-quarters of the youth court caseload in 2008/2009



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Four of the most frequent offences were in the category of crimes against property: theft accounted for 14% of the total completed caseload, while break and enter accounted for 8% and mischief and possession of stolen property for 7% and 6%, respectively.

Three offences in the category of crimes against the person were among the top 10 most frequent types of cases completed in youth court. Common assault cases accounted for 8% of youth court cases, followed by major assault[4] (6%) and robbery (5%).

The remaining high volume cases involved offences under other federal statutes—*YCJA* offences (10%) and drug possession (5%), as well as an administration of justice offence—failure to comply with an order (7%).

Characteristics of youth appearing in court

Accused persons often older and male

Of all youth court cases in 2008/2009, 72% involved a male accused, while 21% involved a female accused. The sex of the accused was not recorded in 7% of the cases.

Offences for which males had the highest involvement included sexual assault (92%), other sexual offences (88%), drug possession (85%), attempted murder (82%) and weapons offences (82%). The highest representation of females was found in cases of prostitution (44%), common assault (36%), and fraud (35%).

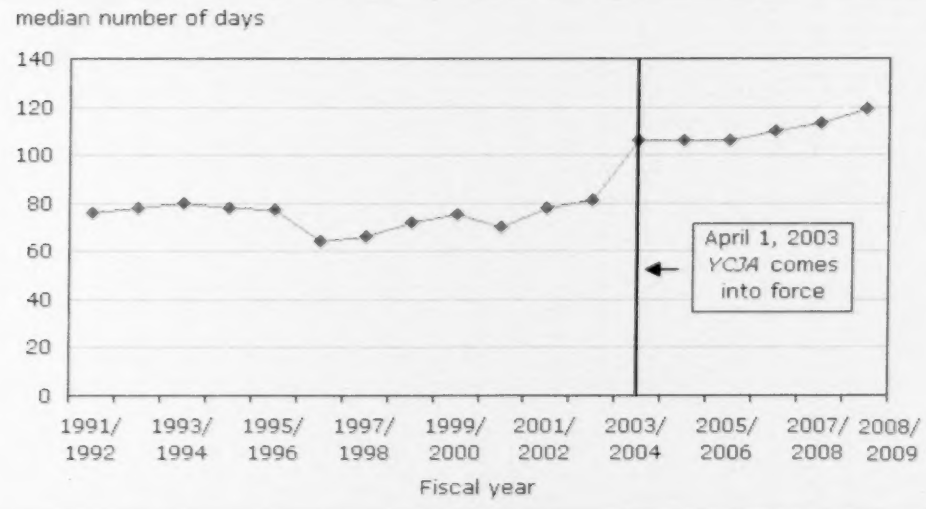
Youth who appear in court tend to be older. In 2008/2009, 12- to 15-year-olds accounted for 41% of youth court cases; whereas, 16- to 17-year-olds accounted for 57% (Table 4).[5]

Case processing

Youth court cases taking longer to complete

The median elapsed time to process a case in youth court (from the time of the youth's first court appearance to the date of case completion) was 119 days in 2008/2009. This is over a month longer than in the year prior to the enactment of the *YCJA*, 2002/2003, when it was 81 days. The largest part of this increase occurred in the first year of the *YCJA* when the median elapsed time rose to 106 days (Chart 3).

Chart 3
Median number of days to complete youth court cases has risen over time



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

In 2008/2009, homicide and attempted murder cases took the longest to complete, at 392 and 295 median days, respectively. Sexual assault and other sexual offences (including voyeurism and sexual interference) had median elapsed times of 254 and 192 days, respectively. The shortest median elapsed time occurred for the offence of being unlawfully at large (13 days) (Table 5).

In 2008/2009, about 5 out of every 10 cases (52%) were processed in 4 months or less, with 8% of cases taking longer than a year. Nine percent of cases were completed at the first court appearance.

Youth courts may be hearing lengthier cases as a result of less serious cases being diverted away from the court process as per the principles and objectives of extrajudicial measures under the *YCJA*. Less serious cases may not proceed to court, but rather be dealt with by police warnings or cautions and referrals to community programs. Further vetting of charges by the Crown may result in additional less serious charges being handled in some manner other than proceeding to court (e.g., Crown caution or extrajudicial sanction).

Overview of youth court case outcomes

About six out of ten cases result in guilt

Cases with a finding or plea of guilt accounted for 59% of cases disposed of in youth courts in 2008/2009.[6] One in five cases (21%) were withdrawn or dismissed. Proceedings were stayed in 19% of cases, and 1% resulted in an acquittal (Table 6).

The proportion of guilty cases varies considerably from one jurisdiction to another. The proportion of cases resulting in a guilty finding ranged from 42% in Yukon to 85% in New Brunswick (Table 6).

The proportion of guilty findings varied among offence categories.[7] Cases where the youth was accused of being unlawfully at large were found guilty most often (90%), followed by impaired driving (85%), and offences under the *YCJA* (82%). Prostitution cases recorded the lowest proportion of guilty findings (25%), followed by attempted murder (35%), drug possession (38%) and disturbing the peace (43%) (Table 7).

There are several possible factors that influence variations in the proportion of cases found guilty. First, some jurisdictions use diversion programs to a greater extent and this may reduce the number and types of cases that proceed to court. Second, the use of stays and withdrawals varies across the country. Cases that are stayed or withdrawn are often indicative of charges set aside pending completion of extrajudicial/alternative measures or diversion programs, or the systematic use of these decisions for administrative purposes. Third, the use of pre-charge screening by the Crown, which occurs in New Brunswick, Quebec and British Columbia, may also affect the percentage of youth found guilty through increased vetting of charges.

The proportion of guilty cases reached a low in 2008/2009

Since reaching a high of 70% in 1998/1999, the proportion of cases where the accused either pleaded guilty or was found guilty has been gradually declining. The figure for 2008/2009 (59%), is the lowest proportion since 1991/1992 when data were first collected for youth courts in Canada (Table 7).[8]

The proportion of cases resulting in guilt has declined for many different types of cases. However, much of the decrease comes from the higher volume cases, especially crimes against property cases, where the proportion fell from 69% of cases in 1998/1999 to 53% in 2008/2009. All of the offences within the property category have experienced declines in the proportion of guilty cases, including fraud, theft, and break and enter.

Sentencing in youth court

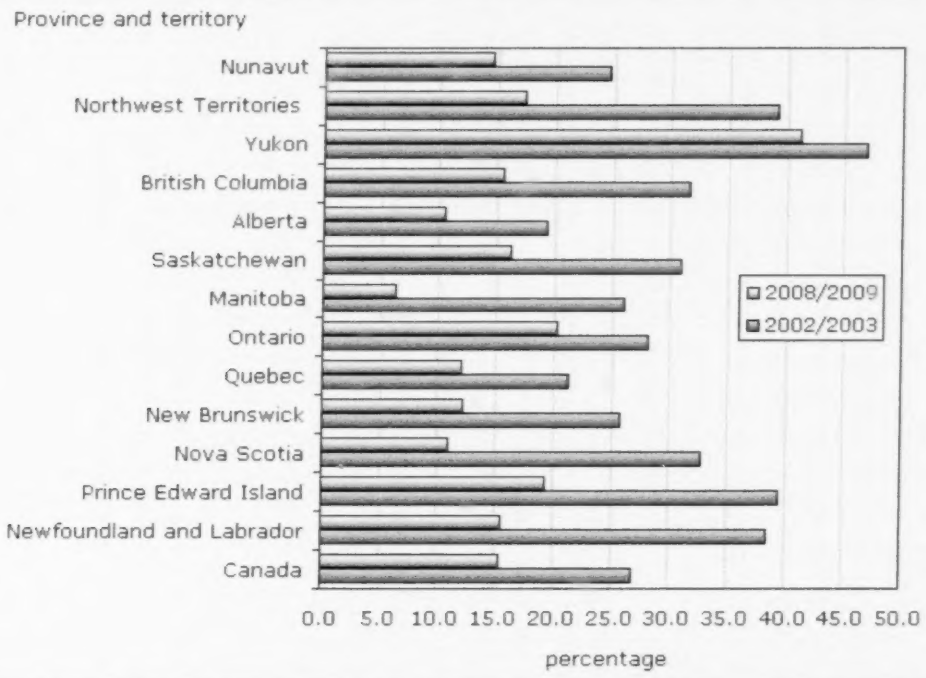
The *YCJA* provides legislative direction on sentencing by including statements of purpose, principles and factors that are to be considered when a judge imposes a youth sentence. In sentencing a youth under the *YCJA*, a judge is to consider a sentence that holds the youth accountable, ensures meaningful consequences for them, and promotes the youth's rehabilitation and reintegration into society. The sentence must be "proportionate to the seriousness of the offence".[9] All reasonable alternatives to custody must be considered before a judge may impose a custodial sentence. For the most part, the use of custody is to be reserved for violent and serious repeat offenders.

Fewer youth are being sentenced to custody

Consistent with the objectives of the *YCJA*, not only are there fewer youth appearing in court, fewer are being sentenced to custody. In 2008/2009, 15% of all guilty cases resulted in a custodial sentence compared 27% in 2002/2003 (Table 8).

All provinces and territories have experienced decreases in the proportion of guilty youth cases receiving custodial sentences since the first year of the *YCJA*. This, coupled with the declining number of guilty cases, has had an impact on the number of youth being sentenced to custody (Chart 4).

Chart 4
Fewer youth are being sentenced to custody



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Custody is frequently ordered for serious violent offences under the category of crimes against the person (Table 9). For example, in 2008/2009, 10 of the 31 guilty homicide cases (32%),[10] 4 of the 6 guilty attempted murder cases (67%) and 592 of the 1,671 guilty robbery cases (35%) resulted in a sentence of custody.

Custody is also frequently ordered for cases in which the youth was found guilty of being unlawfully at large. In 2008/2009, 326 of the 474 cases of being unlawfully at large (69%), received a custodial sentence.

Almost half of custodial sentences are one month or less

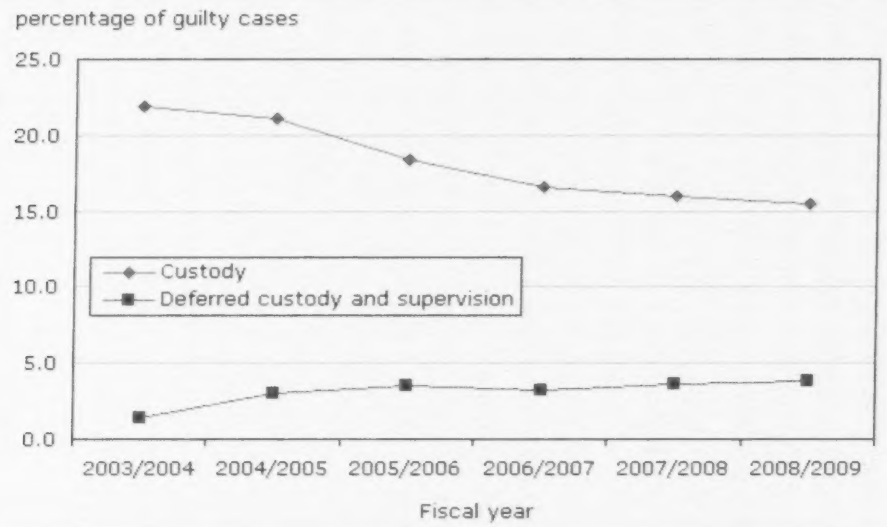
In 2008/2009, 48% of cases resulting in custody and supervision were for terms of 1 month or less and a further 26% were for terms of greater than 1 month to 3 months. In contrast, 8% of terms were longer than 6 months.[11] In 2008/2009, the median sentence length was 36 days (Table 10).[12]

New *YCJA* sentences ordered in 7% of all guilty youth court cases

In 2008/2009, of the new sentences under the *YCJA*,[13] deferred custody and supervision orders were handed down most frequently. Of the 34,434 guilty cases, 1,304 (4%) received such an order (Table 9). Six offences account for two thirds (66%) of cases ordered to deferred custody and supervision—*YCJA* offences (15%), robbery (16%), major assault (13%), break and enter (9%), theft (6%) and, failure to comply (5%).

While the use of custody has become less frequent in youth court cases, the imposition of deferred custody and supervision order sentences has increased (Chart 5). Although accounting for only a small proportion of the total guilty sentences, deferred custody and supervision order sentences have more than doubled in both number and proportion since being introduced in 2003/2004.

Chart 5
The proportion of custodial sentences declined while deferred custody and supervison orders increased, Canada, 2003/2004 to 2008/2009



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

The maximum sentence length of a deferred custody and supervision order sentence is 180 days as prescribed by the *YCJA*.[14] In 2008/2009, the median sentence length for this sentence was 120 days, or approximately four months.

In 2008/2009, Nova Scotia and New Brunswick had the highest proportion of cases, relative to their overall guilty population, that received this sentence (11%). The comparable figure for other jurisdictions ranged from 1% in Manitoba to 6% in British Columbia.[15]

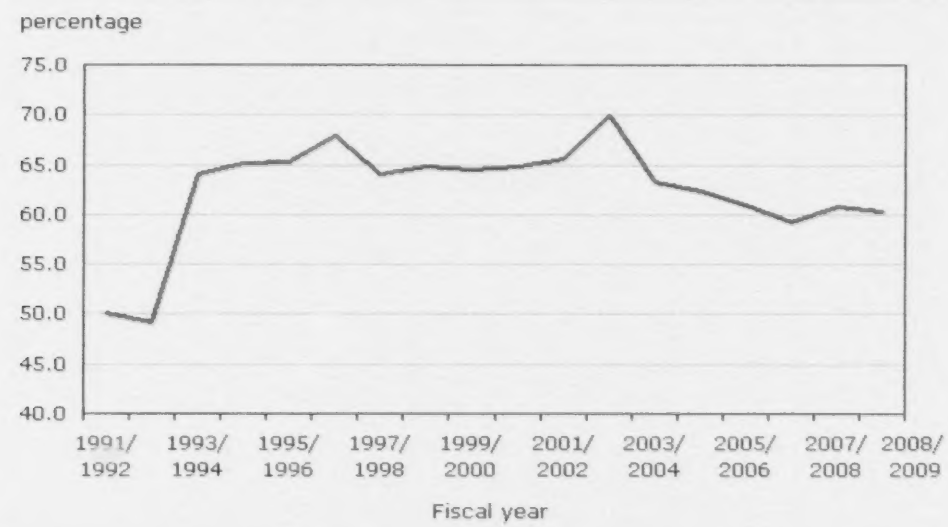
Regarding other *YCJA* sentencing options, there were 610 reprimands handed down in 2008/2009, accounting for 2% of guilty cases, 470 orders to intensive support and supervision programs (1%) and 198 orders to attend a non-residential program (0.6%).

Combined, the new *YCJA* sentences were given in about 7% of all guilty cases.

Probation is still the most common sentence for youth, but it too is on the decline

Youth who are found guilty can receive more than one sentence. In 2008/2009, 60% of guilty cases included a sentence of probation, either alone or in combination, making it by far the most frequently employed sentencing option (Table 9). However, this figure has decreased from 2002/2003, when 70% of all guilty cases received a sentence of probation (Table 12 and Chart 6). One reason for the change may be due in part to the fact that under the *YOA*, youth custody sentences were often followed by a period of probation to ensure some form of supervision on reintegration into the community. Under the *YCJA* however, all youth custody sentences have a mandatory period of community supervision after the custodial portion of the sentence has been completed. Additionally, a portion of cases that may have received probation under the *YOA* may have received some sort of extrajudicial measure under the *YCJA*.

Chart 6
Proportion of guilty youth cases sentenced to probation has declined since the enactment of the *YCJA*



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

In 2008/2009, probation (often in combination with other types of sentences) was ordered most frequently for guilty youth cases involving other *Criminal Code* offences which includes among others, weapons and prostitution offences (70%), crimes against the person (69%) and crimes against property (66%) (Table 9). A smaller proportion of guilty cases involving other federal statutes (48%) resulted in a sentence of probation.

More specifically, probation was frequently ordered in youth cases involving robbery (76%), sexual assault (75%), other sexual offences (74%), break and enter (75%) and drug trafficking (78%).

As with the *YOA*, under the *YCJA*, youth courts may sentence a young offender to probation for a maximum of two years. In 2008/2009, the median sentence length for probation sentences was approximately one year (365 days) (Table 10). Just over 1 in 5 (22%) probation sentences were for a period of 6 months or less, 54% ranged from greater than 6 months to 12 months, and 24% were for more than 12 months.[16]

The use of probation varies greatly among jurisdictions

The proportion of guilty youth cases receiving a probation sentence varies considerably by province and territory. For example, in 2008/2009, Nunavut and Prince Edward Island had the highest proportions of guilty cases where the youth was sentenced to probation, at 86% and 78%, respectively. At the low end were Saskatchewan (43%), British Columbia (43%), New Brunswick (48%) and Alberta (50%). All other jurisdictions ranged between 51% as evidenced in Yukon and 71% as in Newfoundland and Labrador (Table 11).

Summary

The implementation of the *YCJA* on April 1, 2003 brought many changes to youth courts. In general, youth courts across Canada have witnessed fewer youth appearing in court. The largest changes were observed in the two years following the implementation of the *YCJA*. Since that time, the caseload has stabilized.

Youth court cases are taking longer to process. It may be that the courts are hearing lengthier cases as a result of less serious cases being diverted from the court process as per the principles and objectives of the *YCJA*.

Consistent with the purpose and principles of the *YCJA,* that all reasonable alternatives to custody must be considered before a judge may impose a custodial sentence, fewer youth are being sentenced to custody under the *YCJA* than under the *YOA*.

Methodology

This article is based on case characteristics data from the Integrated Criminal Court Survey (ICCS) and the Youth Court Survey (YCS). Data on federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for youth courts. The surveys consist of a census of *Criminal Code* and other federal statute charges dealt with in youth courts. The individuals involved are persons aged 12 to 17 years (up to the 18th birthday) at the time of the offence. All youth courts in Canada have reported data to the CCJS since the 1991/1992 fiscal year.

As not all youth crime is reported to police and not all youth in conflict with the law proceed to court, this report focuses on court processes and the response to youth crime rather than the prevalence of youth criminal activity.

Primary unit of analysis

The Integrated Criminal Court Survey (ICCS) is a relatively new data collection strategy, designed to integrate the collection of adult and youth court data. Data contained in this report represent the youth court portion of that survey.

The primary unit of analysis is the case. The concept of a case changed for the 2006/2007 release of data. The new definition attempts to more closely reflect court processing. It combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision, and date of sentencing) into a single case. The former definition (used in releases prior to October 2007) combined all charges against the same person disposed of in court on the same day into a case. This tended to undercount the number of charges in a case, over-count the number of cases and underestimate the length of time required to process a case through court because not all charges are necessarily disposed of on the same day. All data, including years prior to 2006/2007 have been re-processed using the new case definition so that they are comparable.

The impact of this change is noticeable in the reduction of case counts as well as guilty rates for some jurisdictions, where certain administrative practices (e.g., use of stays, withdrawals, transfers, etc.) may have resulted in multiple cases against an accused using the previous end-date definition.

Most serious offence and decision rules

When a case has more than one charge, it is necessary to decide which charge will be used to represent the case. In such multiple-charge cases, the "most serious decision" rule is applied. Decisions are ranked from the most to the least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) acquitted, 4) stay of proceeding, 5) withdrawn, dismissed and discharged 6) not criminally responsible 7) other, 8) transfer of court jurisdiction.

In cases where two or more offences have resulted in the same decision (e.g., guilty), the "most serious offence" rule is applied. All charges are ranked according to an offence seriousness scale, which is based on the average length of prison sentence imposed on guilty charges between 2002/2003 and 2006/2007. If two charges are tied according to this criterion, information about the sentence type (e.g., prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is considered.

Note concerning data revisions

Data for 2008/2009 currently do not account for cases that were pending at the end of the reference period and have no subsequent activity for a full year. The ICCS deems these cases as complete in the following reference period and these "updates" will be reported in the 2009/2010 release of data.

Additionally, the CCJS continues to make updates to the offence library used to classify offence data sent by the provinces and territories. These improvements have resulted in minor changes in the counts of charges and cases as well as the distributions by type of offence.

Data for 2006/2007 and all previous years presented in this article have been revised to account for these updates. For example, as a result of the updates, youth completed case counts in Canada for 2006/2007 increased by about 2% from previously reported data. Assuming consistent proportions of inactivity from year to year, it should be noted that 2008/2009 case counts are likely under-reported by a similar percentage due to the new update process in the ICCS. The effect of these updates varies by jurisdiction (see Text table 1)

Text table 1
Cases disposed in youth courts, Canada, provinces and territories, 2006/2007—originally published and updated figures

	2006/2007		
Province and territory	Originally published data	Revised with updates	Impact of updates
	number of cases		percent
Canada	**56,463**	**57,483**	**1.8**
Newfoundland and Labrador	738	747	1.2
Prince Edward Island	209	226	8.1
Nova Scotia	1,798	1,810	0.7
New Brunswick	1,174	1,191	1.4
Quebec	6,653	7,208	8.3
Ontario	25,102	25,319	0.9
Manitoba	3,076	3,123	1.5
Saskatchewan	5,165	5,199	0.7
Alberta	8,016	8,080	0.8
British Columbia	4,065	4,063	0.0
Yukon	90	92	2.2
Northwest Territories	186	233	25.3
Nunavut	191	192	0.5

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey.

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Notes

1. National data for youth courts are available from 1991/1992 onwards.

2. For analytical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See the Methodology section for more details.

3. Other federal statute cases include drug offences and offences under the *YCJA* such as failure to comply with a sentence or disposition.

4. There are three levels of assault in the *Criminal Code*. Common assault (Assault Level 1, s. 266) is the least serious of the three levels. A 'common' assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. Major assault is an offence category that includes the higher levels of assault in the *Criminal Code*: assault with a weapon (Assault Level II, s. 267), aggravated assault (Assault Level III, s. 268), and other assaults (e.g. assaulting a police officer, and unlawfully causing bodily harm).

5. Age represents the offender's age in years on the day the offence was alleged to have been committed. In two percent of cases the age was unknown.

6. Cases found guilty include cases that have been discharged absolutely or on conditions following the finding of guilt.

7. For cases with two or more guilty charges, see the Methodology section for more information on how the representative charge for the case is selected.

8. See endnote 1.

9. *Youth Criminal Justice Act*, S.C. 2002, c. 1–Subsection 38(1) and (2).

10. Custodial sentences for homicide may be under-reported due to the fact that data on time served in remand, awaiting and during trial, for which the accused may be given credit are not available from any jurisdiction at this time.

11. This excludes 4% or 198 cases with custody where the length of the sentence was not known. The ICCS and the YCS cannot distinguish between consecutive and concurrent sentences and do not include sentencing revisions made under review by the court. In multiple sentence cases, for example, the sentence length may be underestimated because of the assumption of concurrent sentences for all charges and may not reflect actual time ordered.

12. The length of custodial sentences may be affected by time spent in pre-trial detention. For example, 'timed served', the time spent in custody prior to the decision of the court and sentencing, which often occurs with more serious offences, is likely to affect the sentence length.

13. Several new sentences were introduced with the *YCJA*, including: intensive support and supervision, deferred custody and supervision, orders to attend a non-residential program and reprimands. The sentence of intensive rehabilitative custody and supervision order, s.42(2)(r), is included with custody and supervision. Provinces and territories vary in terms of when they began providing *YCJA* sentencing data, therefore caution should be exercised when comparing these data.

14. *YCJA*, section 42(2)(p).

15. The deferred custody and supervision order sentence was not used in Prince Edward Island and the Northwest Territories and data were not available for Saskatchewan.

16. This excludes 1% or 124 cases with probation where the length of the sentence was not known.

Definitions

Accused
An accused person is someone against whom enough information exists to lay a charge in connection with a criminal incident/offence.

Acquittal
Acquittal means that the accused has been found not guilty of the charges presented before the court.

Administration of justice offences
The "Administration of justice offences" category includes but is not limited to failure to appear in court, breach of a probation order, being unlawfully at large, failure to comply with an order, and "other administration of justice offences" such as corruption and disobedience, misleading justice, and perjury.

Alternative measures
Alternative measures aim to divert persons accused of less serious crimes out of the justice system. They are formalized programs through which persons who would otherwise proceed to court are dealt with through non-judicial, community-based alternatives. They offer individuals the opportunity to avoid the consequences of a criminal record. Typical alternative measures programs include personal service to a victim, financial compensation to a victim, community service, educational sessions, personal or written apologies, and essays or presentations related to the offence. Alternative measures are administered differently from one jurisdiction to another. They may be offered at the pre-charge stage, the post-charge stage, or both. The types of alternative measures assigned to an individual may vary, as do eligibility requirements.

Case (Integrated Criminal Court Survey)
A case is defined as all charges against the same person having one or more key overlapping court dates (date of offence, date of initiation, date of first appearance, date of decision, date of sentencing).

Violent crimes or offences/Crimes against the person
Crimes against the person involve the use or threatened use of violence against a person, including homicide, attempted murder, assault, sexual assault and robbery. Robbery is considered a crime against the person because unlike other theft offences it involves the use, or threat of, violence.

Property crimes or offences/Crimes against property
Involve unlawful acts to gain property, but do not involve the use or threat of violence against the person. They include offences such as break and enter, theft and fraud.

***Criminal Code* traffic offences**
The Criminal Code traffic offences category includes, but is not limited to the following offences: impaired driving, failure or refusal to provide sample (breath or blood), failure to stop at the scene of an accident and dangerous operation of a motor vehicle.

Custody and supervision
All cases sentenced to custody under the *YCJA* have a supervision component for most offences, the supervision period can be up to half as long as the custodial period, and the periods combined must not exceed the maximum sentence length specified in the *YCJA*. However, if the youth is convicted of manslaughter, attempted murder, or aggravated sexual assault, or is given an intensive rehabilitative custody and supervision order, the length of the custody period and supervision period is up to the discretion of the youth court, as long as the two periods combined is not greater than the maximum sentence length. The maximum lengths of custody and supervision orders for first and second degree murder remain unchanged from the *YOA*; however the *YCJA* specifies guidelines governing the maximum length of the sentence to be served in custody. If convicted of first degree murder, the youth's sentence cannot exceed 10 years, where the committal to custody must not exceed 6 years from the date of committal, followed by a period of conditional supervision served in the community. For second degree murder, the total sentence cannot exceed 7 years, with the committal to custody not exceeding 4 years from the date of committal.

Deferred custody and supervision order
A deferred custody and supervision order allows a young person who would otherwise be sentenced to custody to serve the sentence in the community under a number of conditions. Similar to the conditional sentence of imprisonment for adults, violation of conditions may result in the young person being sent to custody.

Disposed/completed charge or case (Integrated Criminal Court Survey)
A charge is considered disposed of in court when a final decision (other than guilty) has been made. If found guilty on the charge, it is considered disposed of upon sentencing.

A case is considered disposed of when all charges within the case have been disposed.

Drug-related offences
Include offences under the *Controlled Drugs and Substances Act* such as importation, exportation, trafficking, production and possession of drugs or narcotics. Examples include cannabis/marijuana, cocaine, heroin, and other drugs such as crystal meth, PCP, LSD and ecstasy.

Extrajudicial Measures
Extrajudicial measures include taking no further action, informal police warnings, and referrals to community programs, formal police cautions, Crown cautions and extrajudicial sanctions programs.

Federal statute charges/offences
Federal statute charges include offences as described in the *Criminal Code of Canada*, *Controlled Drugs and Substances Act*, *Youth Criminal Justice Act*, *Firearms Act*, *Immigration Act*, *Income Tax Act*, *Excise Act*, and any other federal statute under which charges may be laid.

Fine
When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than 5 years, an offender may be fined in lieu of other types of punishment.

Guilty
"Guilty" includes guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence, whether the accused pleaded guilty or was found guilty following a trial. This category also includes cases where an individual has been found guilty but was given a reprimand, absolute or conditional discharge.

Intensive support and supervision order
An intensive support and supervision order was introduced in the *YCJA* as an alternative to custody. Similar to probation, an intensive support and supervision order is served in the community under conditions, but provides closer monitoring and support than a probation order to assist the young person in changing his or her behaviour. This is an 'opt-in' sanction under the *YCJA*, meaning that provinces and territories may choose not to implement this option, taking into consideration available resources.

Median
The median is the middle point of a distribution, when the units are arranged in increasing or decreasing order based on a quantitative variable. One-half of the group is above the median and one-half below it.

Other decisions
The "Other decisions" category includes final decisions of found not criminally responsible waived in province/territory, and waived out of province/territory. This category also includes mistrials, the court's acceptance of a special plea (e.g. autrefois acquit), cases which raise Charter arguments and cases where the accused was found unfit to stand trial following a fitness hearing. In jurisdictions not providing superior court data (i.e., Quebec, Ontario and Saskatchewan), the "other decision" category also includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court.

Order to attend a non-residential program
As another possible alternative to custody introduced by the *YCJA*, the youth court may order the young person to attend a non-residential program at fixed times and terms. The attendance order is also an 'opt-in' sanction for the provinces and territories.

Other *Criminal Code* offences
These incidents involve the remaining Criminal Code offences that are not classified as violent or property (excluding traffic offences). Examples are mischief, bail violations, disturbing the peace, arson, prostitution and offensive weapons.

Other sexual offences
The "other sexual offences" category includes, but is not limited to the following offences: sexual interference, sexual exploitation; voyeurism; incest; making, distributing, possessing or accessing child pornography; and child luring.

Pre-charge screening
Pre-charge screening refers to a formal process whereby a Crown prosecutor is responsible for pre-charge approval (i.e., whether a charge will be officially laid and will proceed to court). Currently in Canada, only New Brunswick, Quebec and British Columbia have such systems in place, however the thresholds for whether a charge will be laid vary in each of these provinces.

Probation/Supervised probation
An offender sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include performing community service, abstaining from the consumption of alcohol and attending treatment. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence. Probation may be supervised or unsupervised.

Reprimand
A new sentencing option under the *YCJA*, a reprimand is the least punitive of all youth sentences, essentially involving a stern lecture from the judge. A reprimand may be most suitable in minor cases where exposure to the police and the court system alone may be deemed sufficient to hold the youth accountable for their offence. Reprimands do not result in a criminal record.

Stay
Involves a stay of proceedings, where a charge or charges are suspended, and the Crown may recommence court proceedings at a later date, within one year.

Weapons offences
The "weapons offences" category includes, but is not limited too the following offences: unauthorized possession of a firearm or prohibited weapon, trafficking of weapons, unauthorized importing and exporting of firearms, prohibited/restricted weapon, device or ammunition; and making automatic firearms.

Withdrawn or dismissed charges
Refer to cases where all charges were withdrawn by the Crown (prior to the entering of a plea by the accused) or dismissed by the court. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused.

***Youth Criminal Justice Act/Young Offenders Act* offences**
The "*Youth Criminal Justice Act/Young Offenders Act* offences" include inducing a young person, failure to comply with a sentence or disposition, publishing the identity of offenders, victims or witnesses and failure to comply with a designated temporary place of detention (s.136 – 139 *YCJA*).

Detailed Data tables

Table 1
Cases completed in youth courts, Canada, 2002/2003 to 2008/2009

Offence category	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	Percentage change from 2007/2008 to 2008/2009	Percentage change from 2002/2003 to 2008/2009
	number of cases							percent	
Total cases	**76,204**	**64,029**	**57,676**	**57,468**	**57,483**	**58,708**	**58,379**	**-0.6**	**-23.4**
Crimes against the person	17,336	15,711	14,296	14,838	14,793	15,393	15,457	0.4	-10.8
Crimes against property	32,179	26,501	23,599	22,808	22,517	22,612	22,001	-2.7	-31.6
Administration of justice offences	7,071	6,280	5,920	6,053	6,230	6,327	6,284	-0.7	-11.1
Other *Criminal Code* offences	3,297	2,960	2,883	3,117	3,187	3,038	3,021	-0.6	-8.4
***Criminal Code* traffic violations**	1,335	1,214	1,125	1,089	1,113	1,236	1,127	-8.8	-15.6
Other federal statute violations	14,986	11,363	9,853	9,563	9,643	10,102	10,489	3.8	-30.0
Drug Offences	5,490	3,648	3,518	3,556	3,784	4,201	4,356	3.7	-20.7
Youth Criminal Justice Act and *Young Offenders Act*	9,252	7,565	6,168	5,777	5,605	5,649	5,880	4.1	-36.4
Other federal statutes	244	150	167	230	254	252	253	0.4	3.7

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 2
Cases completed in youth courts, Canada, provinces and territories, 2002/2003 to 2008/2009

Province and territory	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	Percentage change from 2007/2008 to 2008/2009	Percentage change from 2002/2003 to 2008/2009
	number of cases							percent	
Canada	**76,204**	**64,029**	**57,676**	**57,468**	**57,483**	**58,708**	**58,379**	**-0.6**	**-23.4**
Newfoundland and Labrador	1,403	1,110	1,030	771	747	829	730	-11.9	-48.0
Prince Edward Island	263	179	127	194	226	226	181	-19.9	-31.2
Nova Scotia	1,942	1,653	1,540	1,683	1,810	1,972	1,784	-9.5	-8.1
New Brunswick	1,554	1,183	1,161	1,243	1,191	1,276	1,216	-4.7	-21.8
Quebec	7,689	7,256	7,026	7,600	7,208	7,435	7,669	3.1	-0.3
Ontario	35,711	28,313	25,985	25,261	25,319	25,119	24,821	-1.2	-30.5
Manitoba	3,508	3,311	2,835	3,142	3,123	3,284	3,380	2.9	-3.6
Saskatchewan	6,416	5,359	4,985	4,881	5,199	5,432	5,342	-1.7	-16.7
Alberta	10,446	10,130	8,104	7,992	8,080	8,304	8,620	3.8	-17.5
British Columbia	6,473	4,980	4,271	4,124	4,063	4,212	4,061	-3.6	-37.3
Yukon	164	97	74	83	92	136	121	-11.0	-26.2
Northwest Territories	385	234	321	269	233	268	233	-13.1	-39.5
Nunavut	250	224	217	225	192	215	221	2.8	-11.6

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 3
Charges and cases completed in youth court, Canada, 2008/2009

Offence category	Charges		Cases	
	number	percent	number	percent
Crimes against the person				
Homicide	85	0.0	59	0.1
Attempted murder	68	0.0	17	0.0
Robbery	6,003	3.1	2,723	4.7
Sexual assault	1,800	0.9	947	1.6
Other sexual offences	1,378	0.7	318	0.5
Major assault	9,054	4.7	3,688	6.3
Common assault	12,946	6.8	4,746	8.1
Uttering threats	7,010	3.7	2,444	4.2
Criminal harassment	508	0.3	146	0.3
Other crimes against persons	1,182	0.6	369	0.6
Total	**40,034**	**21.0**	**15,457**	**26.5**
Crimes against property				
Theft	18,958	9.9	8,182	14.0
Break and enter	10,024	5.2	4,799	8.2
Fraud	2,715	1.4	805	1.4
Mischief	14,847	7.8	4,304	7.4
Possess stolen property	9,932	5.2	3,226	5.5
Other property crimes	2,922	1.5	685	1.2
Total	**59,398**	**31.1**	**22,001**	**37.7**
Administration of justice offences				
Fail to appear	2,793	1.5	324	0.6
Breach of probation	1,059	0.6	188	0.3
Unlawfully at large	940	0.5	524	0.9
Fail to comply with order	27,555	14.4	4,135	7.1
Other administration of justice offences	3,751	2.0	1,113	1.9
Total	**36,098**	**18.9**	**6,284**	**10.8**
Other *Criminal Code* offences				
Weapons offences	7,432	3.9	2,055	3.5
Prostitution	46	0.0	16	0.0
Disturb the peace	787	0.4	231	0.4
Other offences	2,110	1.1	719	1.2
Total	**10,375**	**5.4**	**3,021**	**5.2**
Total *Criminal Code* offences (excluding traffic)	**145,905**	**76.4**	**46,763**	**80.1**
***Criminal Code* traffic offences**				
Impaired driving	1,695	0.9	610	1.0
Other *Criminal Code* traffic offences	1,356	0.7	517	0.9
Total	**3,051**	**1.6**	**1,127**	**1.9**
Total *Criminal Code* offences (including traffic)	**148,956**	**78.0**	**47,890**	**82.0**
Other federal statute offences				
Drug possession	6,467	3.4	2,912	5.0
Drug trafficking	2,743	1.4	1,444	2.5
Youth Criminal Justice Act	32,261	16.9	5,880	10.1
Other federal statutes	627	0.3	253	0.4
Total	**42,098**	**22.0**	**10,489**	**18.0**
Total offences	**191,054**	**100.0**	**58,379**	**100.0**

Note: Due to rounding, percentages may not add to 100.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 4
Cases completed in youth courts by offence category and age of accused, Canada, 2008/2009

Offence category	Total cases	Age of accused													
		12 years old		13 years old		14 years old		15 years old		16 years old		17 years old		Other[1]	
	number	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
Total offences	**58,379**	**1,307**	**2.2**	**3,583**	**6.1**	**7,120**	**12.2**	**11,780**	**20.2**	**15,387**	**26.4**	**18,019**	**30.9**	**1,183**	**2.0**
Total *Criminal Code* offences	**47,890**	**1,263**	**2.6**	**3,309**	**6.9**	**6,266**	**13.1**	**9,855**	**20.6**	**12,349**	**25.8**	**13,974**	**29.2**	**874**	**1.8**
Crimes against the person	15,457	543	3.5	1,287	8.3	2,143	13.9	3,224	20.9	3,841	24.8	4,166	27.0	253	1.6
Crimes against property	22,001	593	2.7	1,578	7.2	3,141	14.3	4,726	21.5	5,766	26.2	5,910	26.9	287	1.3
Administration of justice offences	6,284	57	0.9	268	4.3	624	9.9	1,215	19.3	1,698	27.0	2,179	34.7	243	3.9
Other *Criminal Code* offences	3,021	67	2.2	168	5.6	327	10.8	580	19.2	808	26.7	989	32.7	82	2.7
Criminal Code traffic offences	1,127	3	0.3	8	0.7	31	2.8	110	9.8	236	20.9	730	64.8	9	0.8
Other federal statute offences	**10,489**	**44**	**0.4**	**274**	**2.6**	**854**	**8.1**	**1,925**	**18.4**	**3,038**	**29.0**	**4,045**	**38.6**	**309**	**2.9**
Drug offences	4,356	22	0.5	94	2.2	302	6.9	706	16.2	1,276	29.3	1,909	43.8	47	1.1
Youth Criminal Justice Act	5,880	19	0.3	171	2.9	531	9.0	1,179	20.1	1,690	28.7	2,039	34.7	251	4.3
Other federal statutes	253	3	1.2	9	3.6	21	8.3	40	15.8	72	28.5	97	38.3	11	4.3

1. Other age group includes cases where the accused was older than 17 at the time of the offence (i.e., *YCJA* sections 136 to 139) or the age was unknown.
Notes: Due to rounding, percentages may not add to 100. Age of accused is at the time of offence.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 5
Elapsed time to complete a case in youth court, by type of offence, Canada, 2008/2009

Offence category	Elapsed time (in days) from first to last court appearance		
	Total cases	Mean[1]	Median[1]
	number	days	
Crimes against the person			
Homicide	59	381	392
Attempted murder	17	306	295
Robbery	2,723	235	188
Sexual assault	947	294	254
Other sexual offences	318	242	192
Major assault	3,688	212	176
Common assault	4,746	174	135
Uttering threats	2,444	168	141
Criminal harassment	146	218	159
Other crimes against persons	369	244	182
Total	**15,457**	**205**	**162**
Crimes against property			
Theft	8,182	157	106
Break and enter	4,799	184	134
Fraud	805	206	124
Mischief	4,304	152	120
Possess stolen property	3,226	186	120
Other property crimes	685	195	144
Total	**22,001**	**169**	**120**
Administration of justice offences			
Fail to appear	324	182	88
Breach of probation	188	163	93
Unlawfully at large	524	60	13
Fail to comply with order	4,135	143	89
Other administration of justice offences	1,113	152	85
Total	**6,284**	**140**	**81**
Other *Criminal Code* offences			
Weapons offences	2,055	187	149
Prostitution	16	913	180
Disturb the peace	231	143	106
Other offences	719	181	125
Total	**3,021**	**186**	**141**
Total *Criminal Code* offences (excluding traffic)	**46,763**	**178**	**127**
***Criminal Code* traffic offences**			
Impaired driving	610	117	64
Other *Criminal Code* traffic offences	517	175	122
Total	**1,127**	**143**	**92**
Total *Criminal Code* offences (including traffic)	**47,890**	**177**	**127**
Other federal statute offences			
Drug possession	2,912	110	85
Drug trafficking	1,444	182	145
Youth Criminal Justice Act	5,880	97	46
Other federal statutes	253	159	47
Total	**10,489**	**114**	**65**
Total offences	**58,379**	**166**	**119**

1. The mean is the average value of the number of days for all cases from the first to last court appearance. The median represents the midpoint in the sorted dataset, where exactly half the dataset are above and half below the midpoint.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 6
Cases completed in youth courts by type of decision, Canada, provinces and territories, 2008/2009

Province and territory	Total cases	Decision									
		Found guilty[1]		Acquittal		Stayed		Withdrawn/ dismissed		Other[2]	
		number	percent	number	percent	number	percent	number	percent	number	percent
Canada	**58,379**	**34,434**	**59.0**	**666**	**1.1**	**10,848**	**18.6**	**12,046**	**20.6**	**385**	**0.7**
Newfoundland and Labrador[3]	730	546	74.8	0	...	53	7.3	130	17.8	1	0.1
Prince Edward Island	181	129	71.3	1	0.6	44	24.3	7	3.9	0	...
Nova Scotia	1,784	1,065	59.7	34	1.9	134	7.5	546	30.6	5	0.3
New Brunswick	1,216	1,039	85.4	13	1.1	2	0.2	151	12.4	11	0.9
Quebec	7,669	5,373	70.1	376	4.9	1,553	20.3	325	4.2	42	0.5
Ontario	24,821	13,145	53.0	75	0.3	4,302	17.3	7,151	28.8	148	0.6
Manitoba	3,380	2,209	65.4	4	0.1	1,157	34.2	9	0.3	1	0.0
Saskatchewan	5,342	3,042	56.9	25	0.5	503	9.4	1,758	32.9	14	0.3
Alberta	8,620	4,704	54.6	69	0.8	1,898	22.0	1,822	21.1	127	1.5
British Columbia	4,061	2,845	70.1	66	1.6	1,075	26.5	43	1.1	32	0.8
Yukon	121	51	42.1	0	...	34	28.1	36	29.8	0	...
Northwest Territories	233	156	67.0	1	0.4	38	16.3	36	15.5	2	0.9
Nunavut[4]	221	130	58.8	2	0.9	55	24.9	32	14.5	2	0.9

1. Found guilty decisions include absolute and conditional discharges.
2. Other decisions include transferred to another province or territory, unfit to stand trial and not guilty by reason of insanity.
3. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably.
4. Total case counts may be underreported for Nunavut, as there may be charge and case information from remote areas that is entered into their caseload management system several months after sending their data submissions for the Youth Court Survey.

Note: Due to rounding, percentages may not add to 100.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 7
Percentage of cases resulting in guilt in youth courts, by type of offence, Canada, 2008/2009

Offence category	1991/1992	1998/1999	2002/2003	2003/2004	2008/2009
	percentage of cases resulting in guilt				
Crimes against the person					
Homicide	55	49	48	51	53
Attempted murder	71	42	40	36	35
Robbery	67	73	70	62	61
Sexual assault	62	60	57	53	56
Other sexual offences	71	67	73	75	72
Major assault	68	71	69	62	64
Common assault	66	66	64	58	54
Uttering threats	55	63	61	57	57
Criminal harassment[1]	...	54	61	54	50
Other crimes against persons	54	53	52	49	56
Total	**65**	**67**	**65**	**59**	**58**
Crimes against property					
Theft	61	67	60	58	51
Break and enter	78	80	75	70	66
Fraud	65	72	68	65	54
Mischief	61	64	59	55	49
Possess stolen property	56	60	54	54	46
Other property crimes	56	60	61	50	54
Total	**64**	**69**	**63**	**60**	**53**
Administration of justice offences					
Fail to appear	49	43	42	41	46
Breach of probation	51	60	49	58	63
Unlawfully at large	89	94	92	88	90
Fail to comply with order	53	63	62	59	63
Other administration of justice offences	72	78	75	72	73
Total	**66**	**70**	**67**	**65**	**66**
Other *Criminal Code* offences					
Weapons offences	59	64	61	53	56
Prostitution	76	78	71	41	25
Disturb the peace	62	64	59	51	43
Other	68	72	62	65	62
Total	**64**	**67**	**61**	**56**	**57**
Total *Criminal Code* (excluding traffic)	**65**	**69**	**64**	**60**	**57**
***Criminal Code* traffic offences**					
Impaired driving	84	83	82	80	85
Other *Criminal Code* traffic offences	68	79	75	77	74
Total	**77**	**81**	**78**	**78**	**80**
Total *Criminal Code* offences (including traffic)	**65**	**69**	**64**	**60**	**57**
Other federal statute offences					
Drug possession	65	61	44	33	38
Drug trafficking	73	77	67	64	58
Youth Criminal Justice Act and *Young Offenders Act*	68	78	76	76	82
Other federal statutes	78	65	55	64	57
Total	**69**	**75**	**66**	**66**	**66**
Total offences	**65**	**70**	**65**	**61**	**59**

1. Criminal harassment became an offence August 1, 1993.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 8
Percentage of guilty youth cases sentenced to custody, Canada, provinces and territories, 2002/2003 to 2008/2009

Province and territory	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
	percent						
Canada	**26.9**	**21.9**	**21.1**	**18.4**	**16.6**	**15.9**	**15.4**
Newfoundland and Labrador	38.5	21.3	23.5	20.3	18.0	12.0	15.6
Prince Edward Island	39.5	19.7	16.0	17.3	18.7	15.8	19.4
Nova Scotia	32.8	14.7	13.3	11.5	13.7	12.1	11.0
New Brunswick	25.8	23.2	20.9	16.1	16.5	13.5	12.2
Quebec	21.2	15.9	15.3	12.5	11.2	11.3	12.0
Ontario	28.1	27.5	26.3	23.8	20.9	21.7	20.3
Manitoba	26.0	15.9	15.7	8.6	7.9	6.7	6.2
Saskatchewan	30.9	26.1	21.2	18.0	16.7	14.8	16.3
Alberta	19.3	12.9	13.3	12.4	12.5	11.1	10.5
British Columbia	31.6	22.1	21.5	21.6	18.6	16.7	15.6
Yukon	46.9	27.3	25.0	44.1	31.8	34.1	41.2
Northwest Territorie[1]	39.2	19.1	15.6	20.1	20.3	17.3	17.3
Nunavut	24.7	21.3	23.2	22.2	18.8	9.7	14.6

1. From 2004/2005 to 2008/2009, for the Northwest Territories, the number of custody orders has been under reported and the number of probation orders has been over reported by unknown amounts due to clerical procedures. The majority of custody orders were captured as probation.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 9
Guilty youth court cases by type of sentence and type of offence, Canada, 2008/2009

		Type of sentence									
	Total guilty cases	Custody and supervision[1]		Conditional sentence		Deferred custody and supervision[2]		Intensive support and supervision[2]		Attend a non-residential program	
Offence category	number	number	percent	number	percent	number	percent	number	percent	number	percent
Crimes against the person											
Homicide	31	10	32.3	0	...	0	...	0	...	0	...
Attempted murder	6	4	66.7	0	...	0	...	0	...	0	...
Robbery	1,671	592	35.4	2	0.1	215	12.9	67	4.0	7	0.4
Sexual assault	534	86	16.1	0	...	37	6.9	7	1.3	1	0.2
Other sexual offences	228	22	9.6	0	...	14	6.1	11	4.8	0	...
Major assault	2,343	463	19.8	4	0.2	173	7.4	55	2.3	12	0.5
Common assault	2,548	156	6.1	4	0.2	42	1.6	22	0.9	12	0.5
Uttering threats	1,386	193	13.9	1	0.1	44	3.2	14	1.0	4	0.3
Criminal harassment	73	2	2.7	0	...	3	4.1	3	4.1	0	...
Other crimes against persons	207	46	22.2	0	...	15	7.2	5	2.4	1	0.5
Total	**9,027**	**1,574**	**17.4**	**11**	**0.1**	**543**	**6.0**	**184**	**2.0**	**37**	**0.4**
Crimes against property											
Theft	4,141	429	10.4	6	0.1	80	1.9	41	1.0	28	0.7
Break and enter	3,170	506	16.0	1	0.0	121	3.8	47	1.5	6	0.2
Fraud	434	36	8.3	0	...	9	2.1	5	1.2	5	1.2
Mischief	2,094	178	8.5	0	...	49	2.3	15	0.7	7	0.3
Possess stolen property	1,472	206	14.0	1	0.1	46	3.1	12	0.8	14	1.0
Other property crimes	371	67	18.1	0	...	10	2.7	14	3.8	2	0.5
Total	**11,682**	**1,422**	**12.2**	**8**	**0.1**	**315**	**2.7**	**134**	**1.1**	**62**	**0.5**
Administration of justice offences											
Fail to appear	149	25	16.8	0	...	1	0.7	0	...	1	0.7
Breach of probation	118	14	11.9	0	...	3	2.5	0	...	0	...
Unlawfully at large	474	326	68.8	0	...	8	1.7	1	0.2	4	0.8
Fail to comply with order	2,619	427	16.3	5	0.2	66	2.5	21	0.8	21	0.8
Other administration of justice offences	815	139	17.1	0	...	22	2.7	11	1.3	8	1.0
Total	**4,175**	**931**	**22.3**	**5**	**0.1**	**100**	**2.4**	**33**	**0.8**	**34**	**0.8**
Other *Criminal Code* offences											
Weapons Offences	1,161	170	14.6	2	0.2	52	4.5	24	2.1	7	0.6
Prostitution	4	0	...	0	...	0	...	0	...	0	...
Disturb the peace	99	1	1.0	0	...	0	...	0	...	0	...
Other offences	448	68	15.2	0	...	25	5.6	10	2.2	1	0.2
Total	**1,712**	**239**	**14.0**	**2**	**0.1**	**77**	**4.5**	**34**	**2.0**	**8**	**0.5**
Total *Criminal Code* (excluding traffic)	**26,596**	**4,166**	**15.7**	**26**	**0.1**	**1,035**	**3.9**	**385**	**1.4**	**141**	**0.5**
***Criminal Code* traffic offences**											
Impaired driving	516	2	0.4	0	...	3	0.6	0	...	0	...
Other *Criminal Code* traffic offences	383	69	18.0	2	0.5	16	4.2	5	1.3	1	0.3
Total	**899**	**71**	**7.9**	**2**	**0.2**	**19**	**2.1**	**5**	**0.6**	**1**	**0.1**
Total *Criminal Code* offences (including traffic)	**27,495**	**4,237**	**15.4**	**28**	**0.1**	**1,054**	**3.8**	**390**	**1.4**	**142**	**0.5**
Other federal statute offences											
Drug possession	1,117	22	2.0	2	0.2	3	0.3	1	0.1	0	...
Drug trafficking	839	73	8.7	0	...	47	5.6	10	1.2	7	0.8
Youth Criminal Justice Act	4,838	965	19.9	2	0.0	200	4.1	69	1.4	49	1.0
Other federal statutes	145	10	6.9	1	0.7	0	...	0	...	0	...
Total	**6,939**	**1,070**	**15.4**	**5**	**0.1**	**250**	**3.6**	**80**	**1.2**	**56**	**0.8**
Total offences	**34,434**	**5,307**	**15.4**	**33**	**0.1**	**1,304**	**3.8**	**470**	**1.4**	**198**	**0.6**

Table 9 (continued)
Guilty youth court cases by type of sentence and type of offence, Canada, 2008/2009

Offence category	Total guilty cases	Type of sentence									
		Probation		Fine		Community service		Reprimand[2]		Other[3]	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
Crimes against the person											
Homicide	31	4	12.9	0	...	1	3.2	0	...	15	48.4
Attempted murder	6	2	33.3	0	...	1	16.7	0	...	5	83.3
Robbery	1,671	1,274	76.2	4	0.2	403	24.1	6	0.4	1,084	64.9
Sexual assault	534	403	75.5	3	0.6	87	16.3	5	0.9	202	37.8
Other sexual offences	228	169	74.1	0	...	29	12.7	0	...	64	28.1
Major assault	2,343	1,683	71.8	27	1.2	528	22.5	10	0.4	1,034	44.1
Common assault	2,548	1,537	60.3	49	1.9	538	21.1	72	2.8	1,241	48.7
Uttering threats	1,386	979	70.6	14	1.0	293	21.1	12	0.9	444	32.0
Criminal harassment	73	49	67.1	2	2.7	17	23.3	1	1.4	35	47.9
Other crimes against persons	207	159	76.8	1	0.5	50	24.2	5	2.4	98	47.3
Total	**9,027**	**6,259**	**69.3**	**100**	**1.1**	**1,947**	**21.6**	**111**	**1.2**	**4,222**	**46.8**
Crimes against property											
Theft	4,141	2,474	59.7	225	5.4	1,124	27.1	93	2.2	1,473	35.6
Break and enter	3,170	2,386	75.3	29	0.9	872	27.5	6	0.2	854	26.9
Fraud	434	286	65.9	16	3.7	134	30.9	4	0.9	175	40.3
Mischief	2,094	1,260	60.2	71	3.4	536	25.6	42	2.0	778	37.2
Possess stolen property	1,472	984	66.8	51	3.5	380	25.8	17	1.2	433	29.4
Other property crimes	371	273	73.6	5	1.3	106	28.6	1	0.3	95	25.6
Total	**11,682**	**7,663**	**65.6**	**397**	**3.4**	**3,152**	**27.0**	**163**	**1.4**	**3,808**	**32.6**
Administration of justice offences											
Fail to appear	149	66	44.3	28	18.8	17	11.4	6	4.0	45	30.2
Breach of probation	118	56	47.5	17	14.4	24	20.3	1	0.8	16	13.6
Unlawfully at large	474	118	24.9	3	0.6	41	8.6	5	1.1	24	5.1
Fail to comply with order	2,619	1,252	47.8	190	7.3	447	17.1	144	5.5	647	24.7
Other administration of justice offences	815	430	52.8	49	6.0	185	22.7	22	2.7	219	26.9
Total	**4,175**	**1,922**	**46.0**	**287**	**6.9**	**714**	**17.1**	**178**	**4.3**	**951**	**22.8**
Other *Criminal Code* offences											
Weapons offences	1,161	816	70.3	29	2.5	251	21.6	6	0.5	624	53.7
Prostitution	4	2	50.0	0	...	0	...	0	...	1	25.0
Disturb the peace	99	45	45.5	11	11.1	22	22.2	3	3.0	59	59.6
Other offences	448	333	74.3	14	3.1	189	42.2	3	0.7	130	29.0
Other	**1,712**	**1,196**	**69.9**	**54**	**3.2**	**462**	**27.0**	**12**	**0.7**	**814**	**47.5**
Total *Criminal Code* (excluding traffic)	**26,596**	**17,040**	**64.1**	**838**	**3.2**	**6,275**	**23.6**	**464**	**1.7**	**9,795**	**36.8**
***Criminal Code* traffic offences**											
Impaired driving	516	135	26.2	349	67.6	73	14.1	1	0.2	459	89.0
Other *Criminal Code* traffic offences	383	246	64.2	47	12.3	85	22.2	0	...	223	58.2
Total	**899**	**381**	**42.4**	**396**	**44.0**	**158**	**17.6**	**1**	**0.1**	**682**	**75.9**
Total *Criminal Code* (including traffic)	**27,495**	**17,421**	**63.4**	**1,234**	**4.5**	**6,433**	**23.4**	**465**	**1.7**	**10,477**	**38.1**
Other federal statute offences											
Drug possession	1,117	537	48.1	154	13.8	299	26.8	26	2.3	690	61.8
Drug trafficking	839	658	78.4	17	2.0	303	36.1	3	0.4	549	65.4
Youth Criminal Justice Act	4,838	2,096	43.3	478	9.9	1,265	26.1	115	2.4	877	18.1
Other federal statutes	145	35	24.1	46	31.7	14	9.7	1	0.7	18	12.4
Total	**6,939**	**3,326**	**47.9**	**695**	**10.0**	**1,881**	**27.1**	**145**	**2.1**	**2,134**	**30.8**
Total offences	**34,434**	**20,747**	**60.3**	**1,929**	**5.6**	**8,314**	**24.1**	**610**	**1.8**	**12,611**	**36.6**

1. S.85(1) of the *YCJA* specifies that the provinces and territories provide at least two levels of custody, however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Data on new *YCJA* sentences are not yet available for Saskatchewan. They are included in the 'Other' category.
3. Other sentences include absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counselling programs, and conditional discharge. For Saskatchewan, this category also includes deferred custody and supervision, intensive support and supervision, attend a non-residential program and reprimand.
Note: The sentence types presented are not mutually exclusive and will not add to 100.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 10
Mean and median length of custody and probation sentences, Canada, 2008/2009

Offence category	Custody[1,2]		Probation	
	Mean	Median	Mean	Median
	days			
Crimes against the person				
Homicide	1,103	900	x	x
Attempted murder	780	746	x	x
Robbery	141	101	411	365
Sexual assault	217	180	503	540
Other sexual offences	93	87	516	540
Major assault	105	60	381	365
Common assault	41	20	348	365
Uttering threats	52	30	344	365
Criminal harassment	x	x	390	365
Other crimes against persons	148	115	371	365
Total	**119**	**65**	**385**	**365**
Crimes against property				
Theft	59	30	341	365
Break and enter	114	88	387	365
Fraud	59	31	379	365
Mischief	36	26	352	365
Possess stolen property	55	39	346	365
Other property crimes	184	88	402	365
Total	**81**	**48**	**361**	**365**
Administration of justice offences				
Fail to appear	29	13	374	365
Breach of probation	48	35	366	365
Unlawfully at large	39	28	346	365
Fail to comply with order	26	13	349	365
Other administration of justice offences	35	20	334	365
Total	**32**	**20**	**347**	**365**
Other *Criminal Code* offences				
Weapons offences	93	50	382	365
Prostitution	...	...	x	x
Disturb the peace	x	x	313	365
Other offences	101	80	304	360
Total	**95**	**58**	**356**	**365**
Total *Criminal Code* offences (excluding traffic)	**86**	**42**	**368**	**365**
***Criminal Code* traffic offences**				
Impaired driving	x	x	322	360
Other *Criminal Code* traffic offences	104	120	415	365
Total	**106**	**120**	**382**	**365**
Total *Criminal Code* offences (including traffic)	**86**	**44**	**368**	**365**
Other federal statute offences				
Drug possession	30	6	276	270
Drug trafficking	107	69	352	365
Youth Criminal Justice Act	30	20	314	360
Other federal statutes	99	120	242	210
Total	**36**	**20**	**314**	**360**
Total offences	**76**	**36**	**360**	**365**

1. S. 85(1) of the *YCJA* specifies that the provinces and territories must provide for at least two levels of custody; however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Since custody orders under the *YCJA* include a mandatory period of post-custody supervision, the figures for custody include the post-custody supervision portion of the order effective April 1, 2003.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 11
Sentences in youth courts, Canada, provinces and territories, 2008/2009

Province and territory	Total guilty cases	Type of sentence									
		Custody and supervision[1]		Conditional sentence		Deferred custody and supervision		Intensive support and supervision		Attend a non-residential program	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
Canada	**34,434**	**5,307**	**15.4**	**33**	**0.1**	**1,304**	**3.8**	**470**	**1.4**	**198**	**0.6**
Newfoundland and Labrador	546	85	15.6	0	...	10	1.8	0	...	0	...
Prince Edward Island	129	25	19.4	0	...	0	...	0	...	0	...
Nova Scotia	1,065	117	11.0	0	...	119	11.2	0	...	0	...
New Brunswick	1,039	127	12.2	0	...	114	11.0	0	...	0	...
Quebec	5,373	645	12.0	0	...	160	3.0	34	0.6	27	0.5
Ontario	13,145	2,671	20.3	30	0.2	526	4.0	17	0.1	44	0.3
Manitoba	2,209	138	6.2	2	0.1	33	1.5	0	...	0	...
Saskatchewan[2]	3,042	495	16.3	0	...	0	...	0	...	0	...
Alberta	4,704	493	10.5	0	...	172	3.7	34	0.7	127	2.7
British Columbia	2,845	444	15.6	1	0.0	164	5.8	385	13.5	0	...
Yukon	51	21	41.2	0	...	2	3.9	0	...	0	...
Northwest Territories[4]	156	27	17.3	0	...	0	...	0	...	0	...
Nunavut	130	19	14.6	0	...	4	3.1	0	...	0	...

Province and territory	Total guilty cases	Type of sentence									
		Probation		Fine		Community service order		Reprimand[2]		Other[3]	
	number	number	percent	number	percent	number	percent	number	percent	number	percent
Canada	**34,434**	**20,747**	**60.3**	**1,929**	**5.6**	**8,314**	**24.1**	**610**	**1.8**	**12,611**	**36.6**
Newfoundland and Labrador	546	387	70.9	21	3.8	167	30.6	9	1.6	166	30.4
Prince Edward Island	129	101	78.3	18	14.0	0	...	0	...	20	15.5
Nova Scotia	1,065	688	64.6	47	4.4	261	24.5	42	3.9	273	25.6
New Brunswick	1,039	495	47.6	38	3.7	42	4.0	0	...	196	18.9
Quebec	5,373	3,697	68.8	236	4.4	2,629	48.9	30	0.6	2,070	38.5
Ontario	13,145	9,005	68.5	339	2.6	2,976	22.6	388	3.0	6,645	50.6
Manitoba	2,209	1,265	57.3	94	4.3	274	12.4	25	1.1	238	10.8
Saskatchewan[2]	3,042	1,312	43.1	173	5.7	663	21.8	0	...	162	5.3
Alberta	4,704	2,337	49.7	778	16.5	815	17.3	83	1.8	1,870	39.8
British Columbia	2,845	1,228	43.2	166	5.8	481	16.9	33	1.2	892	31.4
Yukon	51	26	51.0	2	3.9	6	11.8	0	...	14	27.5
Northwest Territories[4]	156	94	60.3	11	7.1	0	...	0	...	41	26.3
Nunavut	130	112	86.2	6	4.6	0	...	0	...	24	18.5

1. S.85(1) of the *YCJA* specifies that the provinces and territories provide at least two levels of custody, however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Data on new *YCJA* sentences are not yet available for Saskatchewan. They are included in the 'Other' category.
3. Other sentences include absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counselling programs, and conditional discharge. For Saskatchewan, this category also includes deferred custody and supervision, intensive support and supervision, attend a non-residential program and reprimand.
4. The number of custody orders has been under-reported and the number of probation orders have been over reported by unknown amounts due to clerical procedures in the Northwest Territories. The majority of custody orders were captured as probation.
Note: The sentence types presented are not mutually exclusive and in some cases the sentence type is unknown or not reported, therefore, the percentages will not add to 100.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 12
Percentage of guilty youth cases sentenced to probation, Canada, provinces and territories, 2002/2003 to 2008/2009

Province and territory	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
	percent						
Canada	**70.0**	**63.2**	**62.4**	**60.9**	**59.2**	**60.8**	**60.3**
Newfoundland and Labrador	70.6	68.8	65.6	68.4	61.1	62.3	70.9
Prince Edward Island	72.4	74.4	77.7	87.8	84.9	87.5	78.3
Nova Scotia	73.2	72.2	77.4	74.1	74.2	72.2	64.6
New Brunswick	63.1	49.9	51.6	50.0	46.5	50.0	47.6
Quebec	74.0	69.1	70.8	65.1	68.5	69.2	68.8
Ontario	79.9	74.5	71.8	69.7	65.5	68.5	68.5
Manitoba	62.4	54.8	58.2	55.6	52.9	58.0	57.3
Saskatchewan	57.1	48.4	45.1	47.3	45.7	43.9	43.1
Alberta	45.4	40.0	41.7	45.3	47.4	48.2	49.7
British Columbia	70.5	55.2	50.4	47.4	44.5	45.6	43.2
Yukon	59.4	56.8	56.3	47.1	50.0	47.7	51.0
Northwest Territories[1]	62.3	68.8	23.8	27.3	54.4	63.7	60.3
Nunavut	88.0	83.0	84.8	86.9	91.4	81.3	86.2

1. From 2004/2005 to 2008/2009, for the Northwest Territories, the number of custody orders has been under-reported and the number of probation orders has been over-reported by unknown amounts due to clerical procedures. The majority of custody orders were captured as probation.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.